

Federal Defenders  
OF NEW YORK, INC.

Southern District  
52 Duane Street-10th Floor, New York, NY 10007  
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton  
Executive Director

Southern District of New York  
Jennifer L. Brown  
Attorney-in-Charge

November 24, 2020

Honorable Richard J. Sullivan  
United States Circuit Judge  
United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *United States v. Akayed Ullah*, 18 CR 16 (RJS)

Dear Judge Sullivan:

We write to request an adjournment of the sentencing hearing in the above captioned matter, currently scheduled for December 14, 2020, to a date after the Court's decision on the pending Motion for a Judgment of Acquittal and Supplemental Motion, pursuant to Rule 29 of the Federal Rules of Criminal Procedure, filed on December 6, 2018 and September 13, 2019, ECF Nos. 73, 74 and 87, respectively.

Mr. Ullah's Rule 29 Motion seeks a judgment of acquittal on Count Six of the Indictment charging a violation of 18 U.S.C. § 924(c). The Court's decision will determine whether Mr. Ullah is subject to a consecutive 30 year mandatory minimum on Count 6. It is impossible for the defense to make a sentencing recommendation or submit a memorandum in support of that recommendation until the Court renders its decision. The defense sentencing submission is currently due on Monday, November 30, 2020.

Therefore, we respectfully request an adjournment of the sentencing hearing. We will be prepared to file the defense sentencing submission within one week of the Court's ruling.

The Government takes no position on this request for an adjournment.

Respectfully submitted,

/s/ Amy Gallicchio

Amy Gallicchio

Julia Gatto

Colleen P. Cassidy

Assistant Federal Defenders

cc: AUSAs George Turner and Rebekah Donaleski

IT IS HEREBY ORDERED THAT the sentencing scheduled for December 14, 2020 is adjourned. The Court will confer with the parties and the District Executive regarding appropriate dates for rescheduling the sentencing in light of the COVID-19 pandemic, after which the Court will issue a separate order setting new dates for sentencing and the filing of sentencing submissions.

SO ORDERED:

  
11/25/20  
RICHARD J. SULLIVAN  
U.S.C.J., Sitting by Designation